IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE

SRI BILAL NAZKI

and
THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 21618 of 2004

Between:

1. L. Samba Shiva Rao, s/o L. Prakash Rao,
R/o Plot No. 1030A, Road No.51, Jubilee Hills, Hyderabad - 33.
2. K.S. Ravi Kumar, S/o K.S. Mohan Rao,
R/o Plot No. 1041, Road No.52, Jubilee Hills, Hyderabad - 33.
3. P. Ramamoorthy, s/o Late P. Ramakrishna Iyer,
R/o Plot No. 1036, Road No.51, Jubilee Hills, Hyderabad - 33.
4. P. Krishna Reddy, S/o Pattabhi Ram Reddy,
R/o Plot No. 1040, Road No.51, Jubilee Hills, Hyderabad - 33.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration, Secretariat, Hyderabad.
2. The Municipal Corporation of Hyderabad, represented by its Commissioner, Tank Bund, Hyderabad.
3. The Commissioner of Police, Hyderabad City, Basheerbagh, Hyderabad.
4. The Station House Officer, Jubilee Hills Police Station,
Jubilee Hills, Hyderabad.
5. HUDA Enclave Owners Welfare Association rep. by its Convenor Sri. B. Lokanath
Plot No.2, HUDA Enclave, Road No. 70, Jubilee Hils, Hyderabad
6. Aswini Heights Flat Owners Association rep. by its Secretary G. Yoganand, Flat No.18,Aswini Layout, Road No. 70, Jubilee Hils, Hyderabad.
7. C. Sadananda Reddy
Flat No. 17, Huda Enclave, Jubilee Hills,Hyderabad
8. D. Praveen Kumar S/o. D. Narasimha Rao
Flat No. 26, Huda Enclave, Jubilee Hills,Hyderabad
9. A.S. Siddique S/o. late Kursheed Yousuf

Flat No. 26, Huda Enclave, Jubilee Hills,Hyderabad
(RR 5to9 are impleaded as per court order dt. 24-1-2005 in WPMP 555/05)
10. HUDA rep. by Secretary, Hyderabad
(R10 is impleaded as per court order dt. 24-1-2005)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in not taking steps to protect the green belt at the dead end of the road No. 51 Jubilee Hills and to stop the heavy transport trucks from entering into Road No. 51 from its dead end in the Western side and failure to prevent dumping of the boulders as unconstitutional and contrary to the provisions of the Hyderabad Municipal Corporation Act 1955 and consequently direct the respondents to remove the boulders dumped in roads in Road Nos. 51, 47, 46, 45 and 52 and pavements of these roads in Jubilee Hills area while initiating prosecution against the persons responsible for this dumping of the boulders upon the roads in the said area.

Counsel for the Petitioner: Mr.K.S.MURTHY

Counsel for Respondent No.1:G.P. for Municipal Administration

and Urban Development.

Counsel for Respondent No.2: Ms. Jyothi Kiran

SC for M.C.H.

Counsel for Respondent Nos. 3&4: G.P. for Home.

Counsel for Respondents Nos. 5 to 9: Mr. V.Ajay Kumar

WRIT PETITION NO : 435 of 2005

Between:

1. Huda Enclave Owners Welfare Association,

represented by its Convener Sri B.Lokanath,
Plot No. 2, Huda Enclave, Road No. 70,
Jubilee Hills, Hyderabad.
2. Aswini Heights Flat Owners Association

represented by its Secretary G.Yoganand,
Flat No.18,Aswini Lay-out, Road No. 70,
Jubilee Hills, Hyderabad.
3. C.Sadananda Reddy S/o.Late Dr.C.R.Reddy

Flat No.16,Huda Enclave,
Jubilee Hills, Hyderabad.
4. D.Praveen Kumar S/o.D.Narasimha Rao
Flat No.26,Huda Enclave,
Jubilee Hills, Hyderabad.
5. A.S.Siddique S/o.late Kursheed Yousuf
Flat No.26,Huda Enclave,
Jubilee Hills, Hyderabad.

..... PETITIONERS

AND

1. The Principal Secretary Govt of A.P. Municipal Administration
Secretariat, Hyderabad.
2. The Municipal Corporation of Hyderabad, represented by its Commissioner, Tank Bund, Hyderabad.
3. The Hyderabad Uran Development Authority rep by its Vice Chairman & Managing Director,
Police Lines, Rasoolpura,
Secunderabad 500 003.
4. The Inspector of Police Jubilee Hills Police Station
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, Order or direction more particularly in the nature of a Writ of Mandamus by declaring the action of the respondents in not taking steps for removing the Girdars (iron cross bars) on the road coming from journalists colony and on Road No.72 of Prasasan Nagar joining the HUDA Enclave and Aswini Heights and other colonies wherein the petitioners are residing as illegal, arbitrary and violative of the provisions of Hyderabad Municipal Corporation Act, 1955 and consequently direct the respondents to remove the Girdars (iron cross bars) on the roads coming from journalists colony and Prasasan Nagar and joining and connecting the roads of Huda Enclave and Aswini Heights and to pass such other order or orders.

Counsel for the Petitioners: MR.V.AJAYAKUMAR

Counsel for the Respondent No.1: G.P. for Municipal Administration

and Urban Development.

Counsel for Respondent No.2: Ms. Jyothi Kiran

SC for MCH.

Counsel for Respondent No.3: Mr.B.Viswanatha Reddy

Counsel for Respondent No.4: G.P. for Home.

The Court made the following :

ORAL COMMON ORDER:

(per Sri Bilal Nazki, Honourable the Acting Chief Justice)

These two Writ Petitions are being disposed of by common order. One of the writ petitions has been filed to give a direction that it should be ensured that the truck operators do not dump stones and boulders on the main roads, whereas the other Writ Petition has been filed to remove the permanent girders on some roads.

After hearing the learned counsel for parties and also going through the pleadings, we are of the view that these writ petitions can be disposed of with the direction that let the matter be considered by the Commissioner, Municipal Corporation of Hyderabad and the Commissioner of Police, Hyderabad City. Both of them will consider the issue and give appropriate directions to ensure free flow of genuine traffic and stoppage of dumping of boulders on any public road in the area, especially, with reference to Road No.51 of Jubilee Hills.

The Writ Petitions are accordingly disposed of. No costs.

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BILAL NAZKI, ACJ.

5.4.2005

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Dr. G.YETHIRAJULU, J.

VR.

To

1. The Principal Secretary to Government, Municipal Administration Department, Secretariat, Hyderabad.
2. The Commissioner, Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
3. The Commissioner of Police, Hyderabad City, Basheerbagh, Hyderabad.
4. The Station House Officer, Jubilee Hills Police Station, Jubilee Hills, Hyderabad.
5. The Vice Chairman & Managing Director, Hyderabad Urban Development Authority, 1-8-323, Paigah Palace, Police Lines,

Rasoolpura, Secunderabad – 500 003.

6. Two CCs to Government Pleader for Municipal Administration and Urban Development, High Court Buildings, Hyderabad (OUT).

7. Two CCs to Government Pleader for Home, High Court Buildings, Hyderabad (OUT).

8. Two CD copies.